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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Janet Garcia, Gladys Zepeda, Miriam Zamora,  
Ali El-Bey, Peter Diocson Jr., Marquis Ashley,  
James Haugabrook, individuals, KTOWN FOR  
ALL, an unincorporated association,  
ASSOCIATION FOR RESPONSIBLE AND  
EQUITABLE PUBLIC SPENDING an  
unincorporated association  
*Plaintiffs,*

vs.

CITY OF LOS ANGELES, a municipal entity;  
DOES 1-50,  
*Defendant(s).*

Case No.: 2:19-cv-6182-DSF-PLA  
[Assigned to Judge Dale S. Fischer]

**DECLARATION OF COMPLIANCE  
PURSUANT TO THE COURT'S  
SEPT. 23, 2020 ORDER (DKT. NO.  
106)**

## DECLARATION OF GABRIEL MIRANDA

I, Gabriel Miranda, hereby declare:

1. I am the Solid Resources Manager II/Division Manager for the City of Los Angeles Department of Public Works, Bureau of Sanitation's ("LASAN") Livability Services Division ("LSD"). I have personal knowledge of the facts contained herein, and if called to testify to the truth of these matters, I could and would competently do so.

2. On September 23, 2020, the Court issued an Order Granting in Part Plaintiffs' Motion for Order to Show Cause re: Civil Contempt and Sanctions ("Contempt Order"). Dkt. 106. The Court ordered the City to: (a) "provide notice in writing to the responsible parties in the Sanitation department that if further violations occur, the Court will issue an order to show cause why they should not be held in contempt" (*id.* at p.11) ("Written Notice"); (2) "post remedial paper notices as agreed-to by the parties for two weeks in any area where the improper notices were used between April 14, 2020 and the date of th[e] [Contempt] Order" (*id.* at p. 13) ("Remedial Notices"); and (3) "submit a declaration of compliance with th[e] [Contempt] Order no later than October 28, 2020 (*id.*) "attaching a copy of th[e] [Written] [N]otice indicating the name of each person to whom the notice was sent" (*id.* at 11).

### WRITTEN NOTICE

3. On September 26, 2020, I circulated by email the Written Notice attached as **Exhibit A**, along with a copy of the Contempt Order and the Preliminary Injunction to the following LASAN employees:

Enrique Zaldivar, General Manager

Jose P. Garcia, Assistant General Manager

Howard Wong, Chief Environmental Compliance Inspector I

Domingo Orosco, Solid Resources Manager I

Jonelle Gardea, Solid Resources Superintendent

Jorge Nesta, Solid Resources Superintendent

1 Jamel Ward, Solid Resources Superintendent  
2 Nekpen Aimiuwu, Senior Environmental Compliance Inspector  
3 Ruben Hernandez, Senior Environmental Compliance Inspector  
4 Abraham Abrahamian, Senior Environmental Compliance Inspector  
5 Primitiva Vidal, Senior Environmental Compliance Inspector  
6 Salvador Rosales, Senior Environmental Compliance Inspector  
7 Ron Metcalf, Senior Environmental Compliance Inspector  
8 Warren Tan, Senior Environmental Compliance Inspector  
9 Armando Cabrera, Senior Environmental Compliance Inspector  
10 Michael Bates, Wastewater Collection Supervisor  
11 Ruben Leon, Solid Resources Supervisor  
12 Juanita Bell, Solid Resources Supervisor  
13 Jeffrey Armstead, Solid Resources Supervisor  
14 Rene Negrete, Solid Resources Supervisor  
15 Arthur Hall, Solid Resources Supervisor  
16 Frederick Moody, Solid Resources Supervisor  
17 Derrick Griffin, Solid Resources Supervisor  
18 Bruce Reed, Solid Resources Supervisor  
19 Victor Magana, Solid Resources Supervisor  
20 Jose Vega, Solid Resources Supervisor  
21 Danielle Maldonado, Solid Resources Supervisor  
22 Richard Aldana, Senior Administrative Clerk  
23 Angel Ibarra, Senior Administrative Clerk  
24 Leon Ho, Management Assistant  
25 Sarah Bell, Public Relations Specialist  
26 George Faavae, Office Services Assistant  
27 Josselyne Hernandez, Administrative Clerk  
28 4. The Written Notice explained the Court's Contempt Order, described the

1 violations of the preliminary injunction at issue, and reminded LASAN LSD personnel  
2 that under the preliminary injunction, LAMC 56.11(c)(3)(i) could not be enforced and  
3 that notices stating that it would be enforced could not be posted. It further stated: "IF  
4 FURTHER VIOLATIONS OF THE PRELIMINARY INJUNCTION OCCUR, THE  
5 COURT WILL ISSUE AN ORDER TO SHOW CAUSE WHY THE PERSON  
6 RESPONSIBLE FOR THE VIOLATION SHOULD NOT BE HELD IN CONTEMPT."

7 5. In my email, I requested that the recipients review the Written Notice,  
8 Contempt Order, and Preliminary Injunction and acknowledge they have done so in  
9 writing by October 2, 2020. I received the required written acknowledgment from LSD  
10 staff. See **Exhibit B**. With the exception of Arthur Hall, Supervisor, and George Faavae,  
11 Office Services Assistant, who submitted their acknowledgements after October 2, all  
12 LSD recipients provided their written acknowledgements by October 2, 2020.

13 6. Also in my email, I notified the recipients that a mandatory General Staff  
14 Meeting was scheduled for September 28, 2020 in which the District Superintendents  
15 and/or Chief would distribute and explain the Written Notice, Contempt Order, and  
16 Preliminary Injunction to the field staff.

17 7. On September 28, 2020, General Staff Meetings were held at the start of  
18 shift in the three yards: Washington Yard, East Valley Yard, and Harbor Yard. I am  
19 informed that at these meetings, Superintendents Jonelle Gardea, Jamel Ward, Jorge  
20 Nesta, along with Chief Environmental Compliance Inspector I Howard Wong explained  
21 the Contempt Order to the field staff from the Written Notice and reminded them of their  
22 obligations under the Preliminary Injunction to not remove or dispose of bulky items  
23 solely based on their size and not to post any notices that stated that the Bulky Item  
24 Provision of LAMC 56.11 would be enforced. In addition, the Written Notice, Contempt  
25 Order, and Preliminary Injunction were distributed to all attendees.

26 8. The field staff assigned to CARE and CARE+ operations who attended the  
27 General Staff Meetings were required to acknowledge in writing that they received the  
28 Written Notice, Contempt Order, and Preliminary Injunction. To track acknowledgement



1 from staff, sign-in sheets were used to update a database roster managed by district yards,  
 2 the relevant portion of which is attached as **Exhibit C**. Individuals who were not present  
 3 at the meetings received the documents when they returned to work and were also  
 4 required to acknowledge in writing that the Written Notice, Contempt Order, and  
 5 Preliminary Injunction have been received. Additionally, the Written Notice, Contempt  
 6 Order, and Preliminary Injunction were sent to personnel within LSD, with the exception  
 7 of the Receptacles Program's Refuse Collection Truck Operators, who are not part of  
 8 CARE and CARE+ operations.

9       9. Within LSD, identified individuals who are out of the office or on long-term  
 10 leave will be provided the Written Notice, Contempt Order, and Preliminary Injunction  
 11 upon their return and their written acknowledgement of receiving these documents will  
 12 be required.

13       10. New staff that join LSD will be provided copies of the Written Notice,  
 14 Contempt Order, and Preliminary Injunction. District Superintendents at the district yards  
 15 are required to ensure distribution of these documents along with receiving written  
 16 acknowledgement that the new staff has received these documents.

17       11. On September 29, 2020, Jose P. Garcia, Assistant General Manager of  
 18 LASAN, sent an email to the LASAN Solid Resources Managers listed below attaching  
 19 the Written Notice, Contempt Order and Preliminary Injunction and requesting that they  
 20 "Please read and familiarize..." themselves with current events in LSD. He instructed me  
 21 to schedule a meeting to discuss the contents of the documents. Domingo Orosco, Solid  
 22 Resources Manager I and I were copied on the email, attached as **Exhibit D**, which was  
 23 sent to:

24       Ronal Lee, Solid Resources Manager II

25       Daniel Mckay, Solid Resources Manager II

26       Khalil Gharios, Solid Resources Manager II

27       Russel Zamora, Emergency Appointed Solid Resources Manager I

28       James Moore, Solid Resources Manager I

1 Miguel Zermeno, Solid Resources Manager I

2 Lilian Myrato, Executive Administrative Assistant II

3 12. The meeting was scheduled Thursday October 1, 2020 in which an overview  
4 was provided by Jose P. Garcia and myself regarding the Written Notice, Contempt  
5 Order, and Preliminary Injunction.

6 13. I am aware of multiple instances in which instructions were given to cease  
7 all usage of old posting notices to stay in compliance with the Contempt Order and  
8 Preliminary Injunction. See **Exhibit E1**.

9 14. On Thursday October 15, 2020, a LSD Management meeting was held and  
10 the agenda included a follow-up on updates regarding the Contempt Order, Preliminary  
11 Injunction, and Remedial Notice Postings with the Superintendents and the Chief  
12 Environmental Compliance Inspector I. See **Exhibit E2**. A meeting held on Friday,  
13 October 23, 2020 for Refuse Collection Supervisors and Senior Environmental  
14 Compliance Inspectors included discussions regarding the Preliminary Injunction and  
15 Contempt Order. See **Exhibit E3**.

16 **REMEDIAL NOTICES**

17 15. On October 9, 2020, a memo concerning the posting of Remedial Notices,  
18 along with a copy of the Remedial notice that was agreed upon by the parties (Dkt. 107)  
19 was sent by email to the following LASAN employees:

20 Howard Wong, Chief Environmental Compliance Inspector I

21 Jorge Nesta, Solid Resources Superintendent

22 Jonelle Gardea, Solid Resources Superintendent

23 Jamel Ward, Solid Resources Superintendent

24 A copy was sent to the following:

25 Enrique Zaldivar, General Manager

26 Jose P. Garcia, Assistant General Manager

27 Gabriel Miranda, Solid Resources Manager II

28 Domingo Orosco, Solid Resources Manager I

1           16. The memo lists the areas referred as “locations” in which Remedial Notices  
2 were to be posted, the minimum number of Remedial Notices to be posted at each  
3 location, and a procedure requiring daily confirmation that the posted notices remained in  
4 place for the ordered two-week period. The above-referenced email is attached as  
5 **Exhibit F1**; the memo is attached as **Exhibit F2**; and the agreed-upon Remedial Notice is  
6 attached as **Exhibit F3**.

7           17. Because the Court ordered that Remedial Notices be posted in any location  
8 where the “bulky items are prohibited” signs had been posted since the Preliminary  
9 Injunction was issued, after the issuance of the Contempt Order, Chief Environmental  
10 Compliance Inspector I Howard Wong instructed Senior Environmental Compliance  
11 Inspectors to review and identify incident records with their staff on operations that  
12 pertained to the utilization of non-compliant signage since the Preliminary Injunction.  
13 On October 8, 2020 a comprehensive search of records conducted by eight (8) Senior  
14 Environmental Compliance Inspectors provided information that there were 29 additional  
15 locations in which non-compliant notices had been posted. Attached as **Exhibit G** are  
16 maps displaying the specific locations and count of Remedial Notices that were to be  
17 posted.

18           18. To assist in preparing a posting plan, the specific locations identified were  
19 then mapped onto larger geographic areas: ABH Zones (Schrader, Hope, Beacon, and  
20 Eubank) and non-ABH areas based on geographic proximity. In the ABH Zones, where  
21 the location of permanent signage was easily identifiable, LASAN decided to post  
22 Remedial Notices in every location where permanent signs were located. In non-ABH  
23 Zones, where paper notices were posted, LASAN used the following methodology to  
24 determine where Remedial Notices would be posted using Census blocks from the United  
25 States Census Bureau. The use of the census blocks was based on a predefined  
26 geographic unit of measurement allowing for consistency and preventing the use of an  
27 arbitrary geographic boundary for each location outside of an ABH zone. Some locations  
28 intersected several Census blocks, so the intersecting blocks were chosen as posting areas

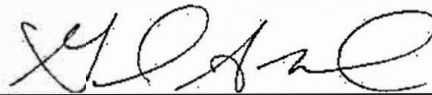


1 to maximize visibility. Then, within any given block, posting locations were plotted at  
2 the end of the block, and in most longer blocks, posting locations were also added in the  
3 middle of the block to maximize visibility. Finally, posting locations were plotted at or  
4 close to the address where the non-injunction-compliant signs were posted as well as, in  
5 some locations where the address was an intersection, in each corner of the intersection.  
6 Therefore, the ultimate number of posting locations in non-ABH zones was based on the  
7 size and number of the Census block(s). LASAN is amenable to addition posting  
8 locations if further remedial operations become necessary after counsel for the parties  
9 have completed their meet-and-confer efforts on these issues.

10 19. On October 16, 2020, seven two-person teams were deployed to post the  
11 Remedial Notices. A total of 664 Remedial Notices were posted. Following review of  
12 the recorded photographs and data of the postings, a follow-up field verification was  
13 conducted at 21 locations the following day to ensure that the Remedial Signs were  
14 properly posted.

15 20. Since October 16, 2020, the teams have conducted field verifications daily,  
16 from Monday through Friday, to check that the Remedial Signs remain posted and to  
17 replace any signs that were missing or damaged. Subject to additional input from  
18 Plaintiffs, the Remedial Notice posting operations are scheduled to cease on October 30,  
19 2020, in compliance with the Court's order that the signs remain posted for two weeks.

20 I declare under penalty of perjury under the laws of the State of California and the  
21 United States that the foregoing is true and correct and that this Declaration was executed  
22 on October 28, 2020, at Los Angeles, California.

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25 GABRIEL MIRANDA  
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